



# Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

[www.merrimacknh.gov](http://www.merrimacknh.gov)

## RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT

WEDNESDAY, AUGUST 28, 2013

MATTHEW THORNTON ROOM

**Members present:** Phil Straight, Fran L'Heureux, Tony Pellegrino, Patrick Dwyer, and Alternates Leonard Worster and Richard Conescu.

**Members absent:** Kevin Shea and Alternate Nathan Barry.

**Staff present:** Planning and Zoning Administrator Nancy Larson, Assistant Planner Donna Pohli and Recording Secretary Zina Jordan.

### 1. Call to Order.

*Phil Straight called the meeting to order at 7:00 p.m.*

### 2. Roll Call.

*Fran L'Heureux led the Pledge of Allegiance. Patrick Dwyer read the preamble. Phil Straight swore in members of the public who would be testifying and designated Leonard Worster to sit for Kevin Shea.*

### 3. Global Companies, LLC. (owner) and Nayla Aoude (petitioner) - Special Exception under Section 2.02.3 (C)(1) of the Zoning Ordinance to permit the addition of a drive-thru car wash as an accessory use to the existing Mobil on the Run gasoline station located at 468 Daniel Webster Highway in the C-2 (General Commercial) the Elderly Overlay & Aquifer Conservation Districts. Tax Map 5D-3, Lot 125. Case # 2013-25.

*Applicant was represented by: Attorneys Greg Michael and Chris Aslin, Bernstein Shur; Steve Pernaw, Licensed Professional Engineer, Traffic Operations Engineer and President, Pernaw Associates.*

*Public comment was received from: Nelson Disco, 42 Wilson Hill Road.*

*At applicant's request, the Board voted 5-0-0 to postpone this item to October 23, 2013, in the Matthew Thornton Meeting Room, at 7:00 p.m., on a motion made by Fran L'Heureux and seconded by Tony Pellegrino.*

### 4. MHW 2008 Revocable Trust, Wendy H. Michael, Trustee & Glenn W. Michael (petitioners/owners) – Variance under Section 2.02.7(7)(6) of the Zoning Ordinance to permit a residential dwelling to be constructed 36.3 feet from a wetland area whereas 40 feet is required. The parcel is located at 53 Pearson Road in the R (Residential) & Aquifer Conservation Districts. Tax Map 7D, Lot 011-1. Case # 2013-26.

*Applicant was represented by: Attorney Greg Michael, Bernstein Shur.*

*There was no public comment.*

*The Board voted 5-0-0 to grant the Variance, on a motion made by Patrick Dwyer and seconded by Fran L'Heureux.*

- 5. Wigston Properties, LLC; Edgebrook Heights, LLC. & Q. Peter Nash, Trustee of the Q. Peter Nash 1987 Revocable Trust (petitioners/owners)** – Variance under Section 15.04 (B) of the Zoning Ordinance to permit seven (7) dwelling units per gross acre (where such gross acreage is not reduced by wetland soils, 100 year floodplains, land with slopes greater than 25% and land encumbered by overhead electric power line easements as otherwise required in Section 15.04(B)), where such residential units may be one and/or two bedrooms; provided that the total number of residential units shall not exceed 168. Subject parcels are located in the I-1 (Industrial) District located at 1, 37, 39, 55 and an unnumbered parcel, Daniel Webster Highway, Merrimack, NH. Tax Map 1E, Lots 4-1 & 4-2, Tax Map 2E, Lots 6-2, 7 and 8. Case # 2013-27.

*Applicant was represented by: Attorney Brad Westgate, Winer and Bennett; James Petropulos, Civil Engineer and Project Manager, Hayner-Swanson, Inc.; Bernard Plante, Manager, Edgebrook Heights, LLC, Wigston Properties, LLC; and Kevin Slattery, Principal, Edgebrook Heights, LLC.*

*Public comment was received from: Pete Gagnon, 130 Bedford Road.*

*The Board voted 5-0-0 to postpone this item to October 23, 2013, in the Matthew Thornton Meeting Room, at 7:00 p.m., on a motion made by Leonard Worster and seconded by Fran L'Heureux.*

- 6. Election of Officers and Annual Review of Zoning Board of Adjustment By-Laws.**

*The Board voted 4-0-1 to elect Fran L'Heureux as chair, on a motion made by Phil Straight and seconded by Patrick Dwyer. Fran L'Heureux abstained.*

*The Board voted 4-0-1 to elect Patrick Dwyer as vice chair, on a motion made by Tony Pellegrino and seconded by Fran L'Heureux. Patrick Dwyer abstained.*

- 7. Discussion/possible action regarding other items of concern.**

*Discussion only.*

- 8. Approval of Minutes – July 31, 2013.**

*None.*

- 9. Adjourn.**

*The meeting adjourned at 9:20 p.m., by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Patrick Dwyer.*